UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,269	11/01/2003	Keith Washington	GE.0001	2505

91680   7590   07/09/2010
Ramirez & Smith
P.O. Box 341179
Austin, TX 78734

EXAMINER
FEENEY, BRETT A

ART UNIT	PAPER NUMBER
3624	

NOTIFICATION DATE	DELIVERY MODE
07/09/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto@isrlaw.com
pto@patent-counselors.com

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/699,269
Filing Date: November 01, 2003
Appellant(s): WASHINGTON ET AL.

Michael G. Smith
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 05/29/2010 appealing from the Office action

mailed 04/20/2009.

(1) Real Party in Interest

The examiner has no comment on the statement of the real party in interest.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1 – 15, 25 – 41, 43 – 54, 78 – 82, 84 – 88, 93 – 97, 99 – 105, 111 – 118

and 120 – 121.

(4) Status of Amendments After Final

The examiner has no comment on the Appellant's statement of the status of

amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter

contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the Appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

Huang et al. US 7,149,917 (herein Huang)

Heinrich US 2005/0114186 (herein Heinrich)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 112

A. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 38-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 38-40, the collecting process data is supposedly from "at least one manual-work-process tracking system" but no such system is found in claim 36, from which the claims depend.

Claim Rejections - 35 USC § 103

B. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 – 15, 25 – 41, 43 – 54, 78 – 82, 84 – 888, 93 – 97, 99 – 105, 111 – 118 and 120 – 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. US 7,149,917 (herein Huang); in view of Heinrich US 2005/0114186 (herein Heinrich).

Claim 1

Huang discloses:

- *collecting infrastructure performance data; collecting process data* (see at least column 9, lines 18-50, noting automatically collected data on the infrastructure

error logs and software processes availability; Further, see also col. 3, lines 6-15;

Figs. 3, 4B, 5 and associated text.);

- *correlating the infrastructure performance data and the process data* (see at least

    FIG 1 and associated text in column 3, lines 1-5 and 26-30; noting "outage data

    from these measurements is then transferred to the NMS. The NMS then

    correlates the outage data and calculates different outage statistics and values.");

- *the correlating including determining associations for individual resources*

    between the infrastructure performance data and the process data (see at least

    column 3, lines 26-30; noting "stores outage data associated by with that outage

    monitoring and measurement. The outage data can be accessed the NMS or

    other tools for further correlation and calculation operations." Further, see at least

    FIG 3 and associated text in column 3, lines 31-38; noting "[a] second tier

    includes router manufacturer tools, third party tools and Network Management

    Systems (NMSs) that either individually or in combination correlate and calculate

    outage values using the outage data in router." The Exemplary embodiment

    disclosed by Huang demonstrates correlating the router outage, (the individual

    resource), with that of processing outages, (process data), and operations over

    the network (infrastructure performance).

- *the determining in reference to a common data object* (*id.* In an exemplary

    embodiment the common data object is the router.);

- *the determining including identifying a particular resource by a common name in*

    the common data object (*id.* Further, see at least TABLE 1.0: "Object Name"

"The object name is a string. For example, the object name can be a slot number '3' controller name '3/0/0, serial interface name '03/0/0/2:0'", or process ID..." A process ID is one example of a common name that would be used to identify a resource and data object.);

- *wherein data associated with the common name of each information technology resource is aggregated between various data sources of the infrastructure performance data and the process data* (*id.* The "outage event object type" is an example of aggregated data that describes a plurality of failure events associated with at least a resource failure, associated processes and operations failures, recovery or failure associated data, antecedents to the event, and the like.);

Huang explicitly teaches "Fault Monitoring", "Root-Cause" analysis and "Layer-3 Polling" which collects and correlates outage data, monitors the status of objects to determine whether an event is impending or has occurred based on data discussed *ut supra*. The methodologies taught by Huang are used for risk assessment and mitigation, the resulting profile that incorporates events, risk and mitigation data would be, in effect, a risk profile. However, Huang does not explicitly recite the step of generating a "risk profile" *per se*. In analogous art Heinrich teaches:

- *generating a risk profile from the correlated data* (see at least FIG 1 and associated text in paragraph 0029; noting the determination of overall risk in a system from data gathered from individual components and data can be from automated tools. Further, see at least paragraph 0038; Heinrich teaches generating a risk profile for "Component C". The risks for Component C are

evaluated based at least in part on other components in the system, the relative performance of the total system, probability of an event occurrence, assessment of correlated risks for other components in the system, etc.).

It would have been obvious to a person having ordinary skill in the art at the time of invention to modify the outage measurement system of Huang with the risk calculation method and step of generating a risk profile taught by Heinrich in order to analyze the risk of outages to save costs associated with occurrence of events and failures. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 2

Huang and Heinrich fail to explicitly recite collecting infrastructure performance data is performed concurrently with collecting process data. However, the Examiner previously took Official Notice that was not timely traversed and is therefore admitted that it is old and well known in the art to collect data concurrently with other data. Further, Applicant explicitly states in paragraph 0045 of the specification "[c]ollecting infrastructure performance data and collecting process data may be performed in any order, or concurrently. For example, collecting infrastructure performance data <u>may be performed before, during, or after collecting process data. The order that collecting and is performed is inconsequential</u> [(*Emphasis Added*)], as long as the data is collected

before subsequent actions of the method are performed." Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to specify that the data collection methods of Huang collected different types of data concurrently because the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claims 3-7

The Examiner previously took **Official Notice** that it is old and well known to collect data using data collection tools. Applicant has admitted that such tools are old and well-known at pages 8-9 of the specification. Further, Applicant did not effectively traverse the Examiner's Official Notice and therefore, the elements of claims 3-7 are admitted prior art. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to specify that Huang used particular data collection tools for the purpose of using diversified collection strategies to more accurately monitor the systems. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

While the Official Notice of record is admitted prior art, in an effort to advance prosecution the Examiner notes the following:

Claim 3

Huang/Heinrich teaches the limitations above. Furthermore, Huang discloses:

- *collecting infrastructure performance data from at least one automated testing tool, wherein the infrastructure performance data further comprises at least server error logs* (see at FIG 13 and associated text in column 12, lines 5-15; noting "generate crash information before the router is completely down. This soft crash information can be produced with a time stamp of the crash event and stored in the non-volatile memory.").

Claim 4

Huang/Heinrich teaches the limitations above. Furthermore, Huang discloses:

- *collecting process data from at least one manual-work-process tracking system* (see column 10, lines 50-62; noting "the outage monitoring manager may identify all of the outage events with the same line card and report only one LC failure event to the NMS. Thus, instead of sending many failures, the OMS only sends a root cause notification." As stated by Applicant in paragraph 0042 of the specification "process data includes data from a manual-work-process tracking system, such as a change control system, a root-cause analysis system, and/or a service-level control system." Therefore, the OMS that performs root-cause analysis would be an example of a *"manual-work-process tracking system"*.).

Claim 5

Huang/Heinrich teaches the limitations above. Furthermore, Huang discloses:

- *collecting process data from at least one change control system* (see at least FIGs 4 and 6 and associated text in column 8, lines 10-22; noting "stored as a new remote customer device in configuration table. This quickly identifies changes in neighboring devices and starts monitoring customer equipment before the updated static configuration information becomes available from the NMS operator.").

Claim 6

Huang/Heinrich teaches the limitations above. Furthermore, Huang shows:

- *collecting process data from at least one root-cause analysis system* (*id.* at **Claim 4**. Noting the OMS includes an exemplary root cause analysis system.).

Claim 7

Huang/Heinrich teaches the limitations above. Furthermore, Huang shows:

- *collecting process data from at least one service-level control system* (see at least FIG 11A and associated text in column 10, lines 5-12; noting "Service Level Agreement (SLA) guaranteeing the network equipment will be operational for some percentage of time. FIG. 11A shows how the AOT information generated by the outage monitoring manager is used to determine if equipment is meeting SLA agreements.").

Claims 8-10

The Examiner previously took **Official Notice** that it is old and well known to use relevant data in analysis. Further, Applicant did not effectively traverse the Examiner's Official Notice and therefore, the elements of claims 8-10 are admitted prior art. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to specify that Huang correlated particular data received for the purpose of determining outages. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

While the Official Notice of record is admitted prior art, the Examiner would also notes the following:

Claim 8

Huang/Heinrich teaches the limitations above. Furthermore, Huang discloses:

- *correlating application data, server data and database data from the infrastructure performance data and the process data* (see at least TABLE 1.0. Further, see at least column 6, lines 30-33; noting "depending on application requirements and router resource (memory and CPU) constraints." Memory data is equivalent to database data, CPU data would at least describe server data, and application requirements data is application data. While all types of data

claimed are explicitly shown in the reference, the Examiner notes that application

data, server data and database data are nonfunctional descriptive materials that

do not serve to further limit the claims as presently written. The mere recitation of

the type(s) of data does not modify the step of correlating the data without adding

a functional interrelationship between the type(s) of data and the computing

process performed.).

Claim 9

Huang/Heinrich teaches the limitations above. Furthermore, Huang discloses:

- *correlating the infrastructure performance data and the process data for each of*

  the information technology resources, in reference to organizational control of the

  resources (see at least Table 1; noting Huang discloses associating resource

  data with an object: "Object Type History Represents different outage event

  object types. The types are defined as follows: routerObject: Bow level failure or

  recovery. rpslotObject: A route process slot failure or recovery. lcslotObject: A

  linecard slot failure or recovery. layer2InterfaceObject: A configured local

  interface failure or recovery." Further, see at least FIG 3 and associated text in

  column 3, lines 31-37; noting "first tier uses the router to autonomously and

  automatically perform local outage monitoring, measuring and raw outage data

  storage. A second tier includes router manufacturer tools, third party tools and

  Network Management Systems (NMSs) that either individually or in combination

correlate and calculate outage values using the outage data in router." Further,

see at least Table 3.0, noting event 1 is in reference to a serial control object.).

Claim 10

Huang/Heinrich teaches the limitations above. Furthermore, Huang discloses:

- *correlating at least one type of resource data selected from the group consisting of application resource data, server resource data and database resource data, in reference to a common data object* (*id.* at **Claim 9** and **Claim 10**. The types of data were addressed in **Claim 9** and in reference to a common data object was addressed in **Claim 10**.).

Claim 11

Huang/Heinrich teaches the limitations above. Furthermore, Huang discloses:

- *a frequency of outages in the infrastructure performance data* (see Table 2.0; noting "NAF" means number of accumulated failures) *and a frequency of changes in the process data* (see Table 3.0; noting that an event is a change, such as interface shutdown), *for each of the information technology resources.*

- *generating a risk score* (see at least FIGs 8 & 9 and associated text in column 9, lines 33-40; noting "[d]uring this time duration, the outage monitoring manager automatically determines the duration of any failures for the monitored object. Time to Repair (TTR), Time Between Failure (TBF), and Time To Failure (TTF) are derived by the outage monitoring manager." The TTF is one risk score that

uses the collected data to predict the <u>next event</u>. Further see at least column 9, lines 59-65; noting "[t]he outage monitoring manager counts the <u>Number of Accumulated Failures</u> (NAFi) <u>during a measurement interval</u>. The AOTi and NAFi values are transferred to the NMS or higher level tool. The NMS, or a higher level tool, then calculates MTTRi=AOTi/NAFi=14/2=7 min." The MMTRi is another score that measures the <u>risk of an outage</u>.

Claim 12

Huang/Heinrich teaches the limitations above. Furthermore, Huang discloses:

- *the infrastructure performance data further comprises at least one measurement of performance for an information technology resource* (see Table 3.0, noting a resource) *and the process data further comprises at least one measurement of activity for the information technology resource* (*id.,* noting event log), and

Huang fails to explicitly recite the particular steps disclosed for generating a risk score *per se*. However, Heinrich teaches:

- *generating a score for each of the measurements* (<u>see</u> claim 1 step c), *each measurement being multiplied by a weighting value associated with each measurement, yielding a plurality of scores* (<u>see</u> claim 1 step d); *and summing the plurality of scores, yielding a risk score* (<u>see</u> claim 1 step e).

It would have been obvious to a person having ordinary skill in the art at the time of invention to modify that outage data collection in Huang with the risk calculations of Heinrich in order to quantify outage risk because quantifying outage risk allows

companies to systemically evaluate and rank mitigation strategies. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claims 13 and 14

Huang/Heinrich teaches the limitations above. Huang fails to explicitly disclose, and Heinrich discloses:

- *generating the score with a lower magnitude for a decreasing frequency of outages of the information technology resource as indicated in the infrastructure performance data; and generating the score with a lower magnitude for a decreasing frequency of changes of the information technology resource as indicated in the process data* (<u>see</u> claim 1 step d, noting highest risk value is high, lowest risk value is low).

It would have been obvious to a person having ordinary skill in the art at the time of invention to combine the calculations of high scores meaning high risk and low scores meaning low risk in Heinrich with the data collection in Huang to assign risk scores to collected outage data that will be meaningful to a human audience. Further, the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and

one of ordinary skill in the art would have recognized that the results of the combination

were predictable.

Claim 15

Huang/Heinrich teaches the limitations above. Furthermore, Huang discloses:

- *a higher risk score is generated for information technology resources having an increasing frequency of outages* (see at least FIGs 8 & 9 and associated text in column 9, lines 33-40; noting "[d]uring this time duration, the outage monitoring manager automatically determines the duration of any failures for the monitored object. Time to Repair (TTR), Time Between Failure (TBF), and Time To Failure (TTF) are derived by the outage monitoring manager." Further see at least column 9, lines 59-65; "The outage monitoring manager counts the <u>Number of Accumulated Failures</u> (NAFi) <u>during a measurement interval</u>. The AOTi and NAFi values are transferred to the NMS or higher level tool. The NMS, or a higher level tool, then calculates MTTRi=AOTi/NAFi=14/2=7 min." The higher MMTRi is a score that measures the risk of an outage represented at least in part by a high frequency of outages.).

Claims 25 – 41, 43 – 54, 78 – 82, 84 – 88, 93 – 97, 99 – 105, 111 – 118 and 120 – 121 recite limitations not patentably distinct from similar claims above, and are rejected for similar reasons.

Further as to Claims 86-88, 93-97, 99-100, 101-105, 111-116, 117-118 &120-121

The Examiner notes: Huang discloses *a processor* (see at least FIG 1 and associated text in column 2 lines 36-45.) *that is operably coupled to a computer readable medium* (see at least FIG 3 and associated text in column 3, lines 38-48; "MIB".). However the Examiner notes that the claims only recite "the computer-readable medium having tangibly stored thereon a collector, correlator, generator and adder". A collector, correlator, generator and adder do not appear to be components of an apparatus nor components of a computer readable medium. Therefore, the Examiner has interpreted a collector, correlator, generator and adder to be software *per se* and hence non-patentable. Any further limitation of a collector, correlator, generator and adder recited in the claims has not been afforded any patentable weight. However, the Examiner also notes that the recited limitations of the apparatus claimed in the aforementioned claims are addressed in respect to the computer readable medium that executes the method recited in claims 1 – 15.

(10) Response to Argument

The Examiner summarizes the various points raised by the Appellant and addresses them individually.

Appellant argues:

i) Huang et al. is not applicable under §103.

ii) Huang et al. does not disclose correlating infrastructure performance data and

process data.

iii) A *prima facie* case of obviousness was not made.

iv) Applicant traverses Official Notice taken in Office action dated 12/26/2008.

As to argument i), Huang et al. is not applicable under §103, the Examiner

respectfully disagrees. The Examiner respectfully notes that any art that is applicable

under §102 is also applicable under §103. The Examiner notes MPEP §2141.01 I;

"[s]ubject matter that is prior art under 35 U.S.C. 102 can be used to support a rejection

under section 103 (*Emphasis Added*). *Ex parte Andresen*, 212 USPQ 100, 102 (Bd. Pat.

App. & Inter. 1981) ("it appears to us that the commentator [of 35 U.S.C.A.] and the

[congressional] committee viewed section 103 as including all of the various bars to a

patent as set forth in section 102."). Furthermore, admitted prior art can be relied upon

for both anticipation and obviousness determinations, regardless of whether the

admitted prior art would otherwise qualify as prior art under the statutory categories of

35 U.S.C. 102. *Riverwood Int'l Corp. v. R.A. Jones & Co.*, 324 F.3d 1346, 1354, 66

USPQ2d 1331, 1337 (Fed. Cir. 2003); *Constant v. Advanced Micro-Devices Inc.*, 848

F.2d 1560, 1570, 7 USPQ2d 1057, 1063 (Fed. Cir. 1988). [] <u>A 35 U.S.C. 103 rejection is

based on 35 U.S.C. 102(a), 102(b), 102(e), etc.</u> depending on the type of prior art

reference used and its publication or issue date."

As to argument ii), Huang et al. does not disclose correlating infrastructure

performance data and process data, the Examiner respectfully disagrees. The Examiner

previously noted, and is repeated herein *supra* at **Claim 1** that Huang discloses in at least column 3; lines 1 – 5 "outage data from these measurements [(referring to measurements from the infrastructure device and the monitored processes running thereon)] is then transferred to the NMS. The NMS then <u>correlates</u> the outage data and calculates different outage statistics and values." As noted in FIG 1 and associated text; at least one feature of the system and method of Huang is monitoring and measuring infrastructure devices data and the processes that are running thereon to determine when and where events *inter alia* failures occur.

As to argument iii), a *prima facie* case of obviousness was not made, the Examiner respectfully disagrees. The Examiner In response, the Examiner respectfully submits that obviousness is determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See *In re Oetiker,* 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); *In re Hedges,* 783 F.2d 1038, 1039, 228 USPQ 685,686 (Fed. Cir. 1992); *In re Piasecki,* 745 F.2d 1468, 1472, 223 USPQ 785,788 (Fed. Cir. 1984); and *In re Rinehart,* 531 F.2d 1048, 1052, 189 USPQ 143,147 (CCPA 1976). Using this standard, the Examiner respectfully submits that the burden of presenting a *prima facie* case of obviousness has successfully been satisfied, since evidence of corresponding claim elements in the prior art has been presented, and since the Examiner has expressly articulated the combinations and the motivations for combinations that fairly suggest Appellant's claimed invention. Note, for example, the motivations explicitly stated in conjunction with the rejections *supra.*

Further, the Examiner would like to direct Appellant to factors to consider in determining the level of ordinary skill in the art. The person of ordinary skill in the art is a hypothetical person who is presumed to have known the relevant art at the time of the invention. Factors that may be considered in determining the level of ordinary skill in the art may include: (A) "type of problems encountered in the art;" (B) "prior art solutions to those problems;" (C) "rapidity with which innovations are made;" (D) "sophistication of the technology; and" (E) "educational level of active workers in the field. In a given case, every factor may not be present, and one or more factors may predominate." *In re GPAC*, 57 F.3d 1573, 1579, 35 USPQ2d 1116, 1121 (Fed. Cir. 1995); *Custom Accessories, Inc. v. Jeffrey-Allan Industries, Inc.*, 807 F.2d 955, 962, 1 USPQ2d 1196, 1201 (Fed. Cir. 1986); *Environmental Designs, Ltd. V. Union Oil Co.*, 713 F.2d 693, 696, 218 USPQ 865, 868 (Fed. Cir. 1983). "A person of ordinary skill in the art is also a person of ordinary creativity, not an automaton." *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1397 (2007). If the only facts of record pertaining to the level of skill in the art are found within the prior art of record, the court has held that an invention may be held to have been obvious without a specific finding of a particular level of skill where the prior art itself reflects an appropriate level [Emphasis Added]. *Chore-Time Equipment, Inc. v. Cumberland Corp.*, 713 F.2d 774, 218 USPQ 673 (Fed. Cir. 1983). See also *Okajima v. Bourdeau*, 261 F.3d 1350, 1355, 59 USPQ2d 1795, 1797 (Fed. Cir. 2001). Therefore, a *prima facie* case of obviousness has been made and the claims stand rejected under §103 as being obvious in view of the combination of Huang/Heinrich.

As to argument iv), the Examiner respectfully notes that Applicant's traversing the Officially noted facts is untimely. Official Notice was taken in the Office action dated 12/26/2008 and was not properly traversed in accordance with MPEP § 2144.03, in the reply dated 03/10/2009. The Examiner noted the requirements for traversing Official Notice from MPEP § 2144.03, in the **FINAL** Office action dated 04/20/2009 which are herein incorporated by reference. Further, because the facts were not timely traversed they are admitted prior art. Further, even though the Officially noted facts were admitted prior art, in an effort to advance prosecution, the Examiner noted admissions by Applicant and also cited specific teachings from Huang and Heinrich that obviate the claims. Therefore, no affidavit is necessary as alleged by Appellant and further the claims remain rejected as being obvious under §103 in view of Huang/Heinrich.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
Brett Feeney /BF/ June 17, 2010

Conferees:

Kambiz Abdi /K. A./
Supervisory Patent Examiner, Art Unit 3684

Vincent Millin/vm/
Appeals Practice Specialist